

REMARKS

Applicant requests favorable reconsideration, withdrawal of all outstanding rejections, and allowance of this application.

Claims 11, 12, 22, and 25-30 are pending, of which Claims 11 and 22 are independent. Claims 11 and 22 have been amended and Claims 25-30 are newly presented. Support for the claim changes and newly-presented claims can be found throughout the originally-filed disclosure, for example, at least in the original claims and in the discussion of the first embodiment. Thus, Applicant submits that no new matter has been presented.

Acknowledgement of Priority Document

Applicant thanks the Examiner for acknowledging Applicant's claim for priority. Applicant requests that the Examiner also acknowledge, in the next Office Action, receipt of the certified copy of the priority document that was filed on September 1, 2004.

Drawing Corrections

Applicant has submitted replacement sheets for Figures 6 and 9 to correct a typographical error. In Figures 6 and 9, steps S201 and S301, respectively, have been amended to change "EXITS" to "--EXISTS--".

Section 112 Rejection

Claims 2, 8, 10-12, and 22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection as applied to Claims 2, 8, and 10 is moot, in view of the cancellation of those claims. While Applicant disagrees with this rejection, to advance prosecution Applicant has deleted the phrase "or, if not obtained, is created" from the claims. Thus, Applicant submits that this rejection has been overcome.

Section 103 Rejection

Claims 2, 8, and 10 were rejected under 35 U.S.C. § 103(a) over Smith (U.S. Patent No. 6,308,151) in view of Groner (U.S. Patent No. 6,507,643), and in further view of Murveit et al. (U.S. Patent No. 6,766,295). Applicant submits that this rejection is moot, in view of the cancellation of these claims.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that Claims 11, 12, and 22 contain allowable subject matter and would be allowable if rewritten or amended to overcome the § 112 rejection. As previously discussed, the § 112 rejection has been addressed. Although Applicant has amended Claims 11 and 22 in other respects, Applicant submits that the amendments do not alter the claim elements identified in the Examiner's statement of reasons for the indication of allowable subject matter. Therefore, Applicant submits that Claims 11, 12, and 22 are allowable. Newly-presented Claims 25-30 each depend directly on one of Claims 11 and 22, and are thus allowable by virtue of their dependency, as well as for defining other patentable features of Applicant's invention. Applicant requests an early Notice of Allowance.

Applicant's undersigned attorney may be reached in our Washington, D.C., office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Christopher W. Ferguson/

Attorney for Applicant
Christopher W. Ferguson
Registration No. 59,809

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
CWF:ayr

FCHS_WS 2375908v1